
From: Philip Nettl <pnettl@benedictandaltman.com>
Sent: Tuesday, May 15, 2018 4:38 PM
To: Christina Salem
Cc: Michael J. Tricarico
Subject: RE: Arzadi

Christina,

My sincere apologies for not getting the defense information to you yet, particularly with our conference call tomorrow.

As an update, we had all decided that the proposal most beneficial to Mr. Arzadi, and likely most palatable to your client, would be for primary counsel in the Allstate matter to be Gerard Vince, Esq., assisted by his associate Carmen Finegan, Esq., rather than our office. Mr. Vince and Ms. Finegan have been co-counsel on the Allstate matter, are intimately familiar with the matter, have been coordinating strategy with Mr. Benedict on Mr. Arzadi's behalf, and have Mr. Arzadi's complete trust. The reason for choosing them over us is that while Mr. Benedict has nearly 50 years of experience as a trial lawyer, Mr. Vince has more targeted experience in defending IFPA cases in civil litigation, specifically involving Allstate. He was even involved in the Lajara litigation, which he successfully defended for his client. So Mr. Benedict would stay on as personal counsel to Mr. Arzadi, but Mr. Vince would be the primary attorney and responsible for the litigation plan and updates to your client.

The long and the short of it is that I am still awaiting the information from Mr. Vince that would satisfy your request. I will update you further as more information becomes available.

Phil

From: Christina Salem [mailto:Christina.Salem@kennedyscmk.com]
Sent: Friday, May 04, 2018 11:34 AM
To: 'Philip Nettl'
Cc: Michael J. Tricarico
Subject: RE: Arzadi

Phil, please advise when the requested defense counsel information will be provided.

Christina Salem
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From: Philip Nettl [<mailto:pnettl@benedictandaltman.com>]
Sent: Thursday, May 03, 2018 11:03 AM
To: Christina Salem <Christina.Salem@kennedyscmk.com>
Cc: Michael J. Tricarico <Michael.Tricarico@kennedyscmk.com>
Subject: RE: Arzadi

We are meeting this afternoon to see where we are on compiling that information.

From: Christina Salem [<mailto:Christina.Salem@kennedyscmk.com>]
Sent: Thursday, May 03, 2018 10:54 AM
To: 'Philip Nettl' <pnettl@benedictandaltman.com>
Cc: Michael J. Tricarico <Michael.Tricarico@kennedyscmk.com>
Subject: RE: Arzadi

When will the requested defense information be provided? You state that he is entitled to have this issue settled first but the information Evanston requested to have it settled has yet to be provided.

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From: Philip Nettl [<mailto:pnettl@benedictandaltman.com>]
Sent: Thursday, May 03, 2018 9:00 AM
To: Christina Salem <Christina.Salem@kennedyscmk.com>
Cc: Michael J. Tricarico <Michael.Tricarico@kennedyscmk.com>
Subject: RE: Arzadi

To be clear, Mr. Arzadi fully intends to abide by the requirements of the policy.

However, we do not believe it to be prudent to conduct an examination while the issue of his representation is still in flux. He is entitled to have that issue settled first, so that his Allstate counsel (should it not be us) can properly consider any potential implications of the examination and advise him accordingly. Moreover, if we were to conduct the exam before you are fully up to speed on the Allstate matter, he could end up caught in the position of having to do this exam twice, which is not desirable for anyone.

As a temporary compromise, and to show that we are proceeding in good faith, if there is information you need in order to determine the scope of necessary discovery, perhaps we can start with written interrogatories to get the ball rolling.

Phil

From: Christina Salem [<mailto:Christina.Salem@kennedyscmk.com>]
Sent: Wednesday, May 02, 2018 7:09 PM
To: 'Philip Nettl' <pnettl@benedictandaltman.com>

Cc: Michael J. Tricarico <Michael.Tricarico@kennedyscmk.com>

Subject: RE: Arzadi

Understood that it takes some time to compile the defense information.

We need to reassert that, under the "Assistance and Cooperation of the Insured" policy provision, the "Insured shall cooperate with the Company and upon the Company's request, the Insured shall: (1) submit to examination and interview by a representative of the Company, under oath if required...(4) give a written statement or statements to the Company's representatives and meet with such representatives for the purpose of determining coverage and investigating and/or defending any Claim." As you may know, the failure of the insured to cooperate under the policy may have coverage implications and thus Evanston must reserve all rights accordingly.

As we agreed previously, Evanston seeks to conduct the examination prior to the May 16th conference in order to properly address at the conference what discovery is needed in this matter.

Please advise as to when that examination can be scheduled as it has now been three weeks since Evanston formally requested available dates for Mr. Arzadi.

From: Philip Nettl [<mailto:pnettl@benedictandaltman.com>]

Sent: Wednesday, May 02, 2018 6:21 PM

To: Christina Salem <Christina.Salem@kennedyscmk.com>

Cc: Michael J. Tricarico <Michael.Tricarico@kennedyscmk.com>

Subject: Re: Arzadi

We are meeting tomorrow to see where we stand on all the info requested. At this point, our priority is to get that squared away before an exam is scheduled.

Sent from my iPhone

On May 2, 2018, at 5:54 PM, Christina Salem <Christina.Salem@kennedyscmk.com> wrote:

Phil,

Please let me know if the examination under the policy can be conducted on May 9, 10 or 15.

Thanks
Christina

From: Philip Nettl [<mailto:pnettl@benedictandaltman.com>]

Sent: Friday, April 27, 2018 2:24 PM

To: Christina Salem <Christina.Salem@kennedyscmk.com>

Cc: Michael J. Tricarico <Michael.Tricarico@kennedyscmk.com>

Subject: Re: Arzadi

I'll get a more complete response to you shortly, but I can tell you that May 11 is no good for me, because I have a motion that day in a criminal matter.

Sent from my iPhone

On Apr 26, 2018, at 6:57 PM, Christina Salem <Christina.Salem@kennedyscmk.com> wrote:

Thanks. Please let me know if Mr. Arzadi's examination under the policy can be scheduled for May 11. As we planned, completing it prior to the May 16th conference will assist with determining whether additional discovery may be necessary, including Mr. Arzadi's formal deposition in the DJ.

If May 11 is not an available date, just let me know of other preferred dates.

Thanks
Christina

From: Philip Nettl [<mailto:pnettl@benedictandaltman.com>]
Sent: Thursday, April 26, 2018 2:59 PM
To: Christina Salem <Christina.Salem@kennedyscmk.com>
Cc: Michael J. Tricarico <Michael.Tricarico@kennedyscmk.com>
Subject: RE: Arzadi

We are still working on it. We are aiming on having everything to you before the next conference.

From: Christina Salem [<mailto:Christina.Salem@kennedyscmk.com>]
Sent: Thursday, April 26, 2018 2:23 PM
To: 'Philip Nettl' <pnettl@benedictandaltman.com>
Cc: Michael J. Tricarico <Michael.Tricarico@kennedyscmk.com>
Subject: RE: Arzadi

Phil,

Just following up on when you think this information will be provided. Please let us know.

Thanks
Christina

From: Christina Salem
Sent: Thursday, April 12, 2018 5:44 PM
To: 'Philip Nettl' <pnettl@benedictandaltman.com>
Cc: Michael J. Tricarico <Michael.Tricarico@kennedyscmk.com>
Subject: Arzadi

Phil,

Per our call, in order for Evanston to make any decisions regarding the handling of the defense in this matter, and without waiving any of its rights under the policy/law, it is in need of the following information:

- 1) The names, rates, resumes and past defense trial experience (including insurance defense matters) for all attorneys involved in the handling the defense of Arzadi and his law firm in the underlying Allstate Suit;
- 2) Proposed budget for the entire span of the Allstate Suit;

- 3) Total amount of past fees incurred to-date;
- 4) Overview of past settlement discussions and settlement ranges demanded/offered;
- 5) Status of the Allstate matter, including any parties/non-parties that have been deposed to-date;
- 6) A copy of the Scheduling Order/Agreement in the Allstate Suit; and
- 7) Litigation Plan.

Please provide the above at your earliest opportunity.

Additionally, in the near future, the carrier will also need complete copies of all filings, documents, discovery, interrogatories, motions, orders, deposition transcripts and reports in connection with the Allstate Suit.

I will await from you proposed dates for Arzadi's availability for the examination per the policy.

Just let me know if you would like to discuss or have any questions.

Thanks
Christina

Christina Salem
Partner
for Kennedys CMK

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